

REMARKS

Claims 1, 4-7, and 9-12 were pending in this application. Most of the limitations of the dependent claims 4-7 and 9-12 have been incorporated into independent claim 1. Consequently, claims 4-7 and 9-12 have been cancelled. Claim 1 has further been amended as discussed below. No claims have been added. Therefore, only claim 1 remains in this application.

35 U.S.C. §103 Rejections

Claims 1, 4-7, and 9-12 stand rejected under 35 U.S.C. §103(a) for obviousness based upon the teachings of U.S. Patent No. 195,723 to Nellis, in view of U.S. Patent No. Re. 32,707 to Robbins, Jr., U.S. Patent No. 3,552,613 to Nye, and U.S. Patent No. 327,731 to Sinclair. Accordingly, the Examiner now relies on four references, only two of which relate to fencing, to reject the claims for obviousness. Furthermore, none of the references that do relate to fencing disclose the slotted connector arrangement. Applicant respectfully asserts that, now, with the application of the newly cited Sinclair patent (which relates to joining cane strips together for a chair), that the Examiner's obviousness rejection appears to be based upon non-analogous art using impermissible hindsight reconstruction.

Applicant's representative contacted the Examiner on October 29, 2008. The Examiner insisted that the structure of the connectors simply embodies a traditional buckle design and that the fastening functionality thereof is known in the art, even though Applicant's representative mentioned how the combination of these connectors and advantages derived therefrom are novel with respect to the fencing art, especially since the Examiner has not yet produced a prior art reference showing the slotted arrangement connector in the context of a fencing system. Applicant's representative also indicated to the Examiner how the previously-filed Declaration should have been considered as a secondary consideration in overcoming the outstanding obviousness rejection.

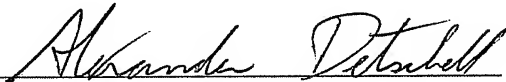
In a phone conversation with the Examiner on January 27, 2009, the Examiner indicated to Applicant's representative, the further structurally defining limitations that the Examiner deemed would define over the prior art of record. To this end, Applicant has incorporated all of the limitations of the previously pending dependent claims into independent claim 1 as well as claiming the overall fencing system in the context of a second slotted connector and a second post.

CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of pending claim 1 is respectfully requested. Applicant respectfully requests that the Examiner contact Applicant's representative by phone if there any further clarifying amendments or outstanding informalities that can be attended to via an Examiner's Amendment.

Respectfully submitted,

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